

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 4 is requested to be cancelled.

Claims 1-3 and 5-11 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3 and 5-11 are now pending in this application.

The Applicant would like to thank the Examiner of the careful consideration of the claims.

Rejection of claims 1-3 and 8-11 as being anticipated by Albach or Huggins et al.

The PTO has rejected claims 1-3 and 8-11 as being anticipated by U.S. Patent 1,522,404 to Albach or U.S. Patent 3,045,979 to Huggins et al. ("Huggins"). For at least the following reasons, this rejection is traversed.

First, claim 1 has been amended to include the limitation of claim 4, which was not rejected as being anticipated by Albach or Huggins. Second, claim 1 has been amended to include the limitation "wherein the fins are arranged laterally offset in a direction of the flow of the first fluid," which is not disclosed by Albach or Huggins. For these reasons, reconsideration and withdrawal of the claims are respectfully requested.

Rejection of claims 4-7 as being unpatentable over Albach or Huggins et al. in view of Yamaguchi et al. and Iwasaki et al.

The PTO has rejected claims 4-7 as being unpatentable over Albach or Huggins in view of U.S. Patent 3,724,538 to Yamaguchi et al. ("Yamaguchi") and U.S. Patent 6,889,757 to Iwasaki et al. ("Iwasaki"). For at least the following reasons, this rejection is traversed.

First, it is noted that the limitation of claim 4 was incorporated into claim 1 and then canceled. As to claim 1, it has also been amended to include the limitation "wherein the fins

are arranged laterally offset in a direction of the flow of the first fluid," which is not disclosed by Albach or Huggins. Further, Yamaguchi and Iwasaki fail to cure this deficiency. For these reasons, reconsideration and withdrawal of the claims are respectfully requested.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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